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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,305	12/06/2001	Charles E. Prussak	ST-UCSD3140	1335

7590 01/06/2009
STACY L. TAYLOR
DLA PIPER US LLP
Suite 1100
4365 Executive Drive
San Diego, CA 92121-2133

EXAMINER

GAMBEL, PHILLIP

ART UNIT	PAPER NUMBER
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1644

MAIL DATE	DELIVERY MODE
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01/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10006305	12/6/2001	PRUSSAK ET AL.	ST-UCSD3140

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EXAMINER

Phillip Gambel

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1644	01052009
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DATE MAILED:

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Commissioner for Patents

Applicant is invited to clarify the submission and status of applicant's amendments in response to the previous Office Action, mailed 08/24/2007.

Applicant's amendment, filed 01/17/2008, has been entered.
Claims 2 and 8 have been amended.
Claims 71-74 have been added.
Claims 1, 5-7, 9-10, 13, 15, 22, 30-31, 42 and 69-70 have been canceled.

While applicant's Remarks indicate that claims 2, 8, 33-34 and 68 are pending,
it is noted that claims 2-4, 8, 11-12, 14, 16-21, 23-29, 32-41, 43-51, 62-68 and 71-74 are pending.

Applicant's amendment, filed 05/19/2008, has been entered.
Claims 2 and 8 have been amended.
Claims 69-75 have canceled.
Claims 76-79 have been added.

However, the status of at least claims 2 and 8 appears INconsistent with the claims in that claims 2 and 8 appear to be the same as previously submitted on 01/17/2008.

Also, applicant's Remarks indicate that claims 2-4, 8, 11, 12, 27-29, 32-41, 68 and 76-79 are pending,
again, it is noted that claims 2-4, 8, 11-12, 14, 16-21, 23-29, 32-41, 43-51, 62-68 and 76-79 are pending.

Applicant's amendment, filed 10/13/2008, has been entered.
Claims 77-79 have been amended.

In addition, a DUPLICATE FAXED COPY of applicant's amendment, filed 10/13/2008, that was FAXED 10/14/2008, has appeared in the eDAN file application.

Given the multiple submissions subsequent to the Office Action, mailed 08/24/2008; applicant is invited to clarify the record as to

whether claims 2 and 8, filed 05/19/2008 were indeed duplicate claims and NOT amended as indicated,
whether the pending claims are 2-4, 8, 11-12, 14, 16-21, 23-29, 32-41, 43-51, 62-68 and 76-79 are pending
(NOTE: withdrawn claims are still pending) and
whether the FAXED COPY, filed 10/14/2008 is indeed simply a DUPLICATE of applicant's amendment, filed 10/13/2008.

The examiner apologizes for any inconvenience to applicant in this matter.
However, the examiner is attempting to clarify the record set forth in the eDAN file application.

Since applicant has received an action on the merits for the originally presented invention, applicant's response is considered non-repsonsive. Since the amendment appears to be a bona fide attempt to be a reply (37 CFR § 1.135(c)), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this notice within which to re-submit the corrected section which complies with 37 CFR § 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen O'Hara can be reached on (571) 272-0878.

The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phillip Gambel/
Primary Examiner, Art Unit 1644